Exhibit 93

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Land Planning and Permitting Consultant

August 1, 2003

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Regulatory Branch
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 8th Floor
San Francisco, CA 94105-2197

COPY

Ref: Corps File No. 22454S, Westpoint Marina
Redwood City, CA

Dear Phelicia:

Mark Sanders in his letter to you of July 21, 2003, provided an update of his original application for the Westpoint Marina Project. In that letter he also indicated that I was completing the required Mitigation and Monitoring Plan for the project. The plan has been completed and the purpose of this letter is to transmit three copies for your records and use. I would note that in their issuance of Conditional Certification of the project, the Regional Water Quality Control Board also require submittal of the plan no less than 30 days prior to the start of construction of the marina basin and upland fill areas.

If you have any questions regarding the plan or need additional copies please let me know.

Sincerely,

Radford (Skid) Hall Ph.D.

Cc: Mark Sanders
Pete Bohley ✓

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MITIGATION PLAN SUMMARY

This wetland mitigation and monitoring plan describes the proposed mitigation for impacts to wetland habitats that will result from the construction of the Westpoint Marina Project in Redwood City, California. The plan is submitted on behalf of the project proponent, Mr. Mark Sanders. The plan is prepared in response to the Corps of Engineers, San Francisco District, Habitat Mitigation and Monitoring Proposal Guidelines and Condition No. 3 of the San Francisco Bay Region, CA Regional Water Quality Control Board, Conditional Water Quality Certification for Construction of Westpoint Marina and Boatyard, Redwood City, San Mateo County, California, dated May 16, 2003.

It was determined that the Westpoint Marina Project would adversely impact 0.27 acres of jurisdictional ephemeral wetlands located in a manmade drainage ditch on the northwestern edge of the project site. Mitigation for these impacts is being proposed at a ratio of 1:1 or greater in the same area as the impacts. The mitigation project consists of enlarging the saturated area of the drainage ditch and providing a controlled and consistent source of water to the mitigation area for the enlargement and enhancement of the wetlands in the ditch.

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I. PROJECT DESCRIPTION

A. Location of Project

The project parcel (ap # 054-300-620) is located in Redwood City, California (Figure 1). The site is located southwest of the end of Seaport Boulevard, adjacent to the Pacific Shores Development and extending along Westpoint Slough. The project site is located in the northerly portion of what was originally known as Pond 10. Pond 10 was historically a part of the Cargill Salt Company operation and was used primarily to store bittern, a by-product of salt making operations. The applicant now privately owns or has rights to the 50-acre project site. The bittern has been removed from the site and it has been separated from the remainder of Pond 10 by a temporary levee.

B. Brief Summary of Overall Project

The proposed project is known as the Westpoint Marina Project and will be constructed on the 50-acre project site (Figure 2). Approximately 25.6 acres of the site will be excavated to create a marina basin with the excavated material used on-site to create the upland areas of the project. The existing levee along Westpoint Slough will be breached to create a 300-foot wide basin opening for boat traffic. The proposed project includes the following components: (a) a 408-berth marina; (b) a boatyard with two haul-out bays, a two-lane public launch ramp, a rowing boathouse, boatyard shops and dry stack boat storage; (c) a marina resort, harbormaster facilities, yacht club, restaurant, marine store, and retail space; and (d) public access, including a pathway along the perimeter of the basin, Westpoint Slough and the adjacent habitat, public access for parking for vehicles and some public boat trailer parking, and visitor and transient berths.

C. Responsible Parties

Project Proponent and Permit Applicant:

Mark Sanders
16075 Skyline Blvd.
Woodside, California 94062

Preparer of plan:

Radford (Skid) Hall Ph.D
500 Airport Blvd., Suite 350
Burlingame, California 94010

D. Jurisdictional Areas to be Filled

The original jurisdictional determination of the site was dated July 1996 (Reynolds, 1996) and confirmed by the Corps of Engineers letter dated November 7, 1996. The initial jurisdictional determination was updated by a jurisdictional report completed and submitted to the Corps of Engineers on March 25, 2002 (Reynolds, 2002). The final

approved jurisdictional determination concluded that a total of 0.81 acres of ephemeral wetlands are subject to Section 404 of the Clean Water Act. This represents the total of the isolated pockets of vegetation, mud flats and tidal wetlands located on and near the toe of the levee along Westpoint Slough and within a manmade drainage ditch which runs along the northwest portion of the site. The Corps also exerts jurisdiction over the interior of Pond10 as an impoundment of Waters of the United States. With the exception of access road crossing over the existing drainage ditch, the potential replacement of the drainage outlet and a small patch outboard of the Westpoint levee, all identified wetland areas on the project site will be avoided. A total of approximately 11,700 square feet (0.27) acres of jurisdictional ephemeral wetlands will be filled to construct the Westpoint Marina project.

The project will also result in the loss of 2.3 acres of shorebird roost habitat located within the project site. To mitigate for this impact approximately 3.0 acres of replacement roost habitat with similar functions and benefits for the birds will be created on Cargill property on the south side of the levee separating it from the marina. Cargill Salt Company will provide the new roost habitat pursuant to plans approved by the U. S. Fish and Wildlife Service.

E. Types, Functions, and Values of Jurisdictional Areas

1. Existing Conditions: The jurisdictional area to be impacted would be best described as a manmade drainage ditch. The ditch and a levee road separate the project site from the adjacent Pacific Shores property to the northwest. The ditch functions to collect local run-off and to release it to Westpoint Slough via an existing slide and flap gate. The outlet culvert is approximately 16 inches in diameter, and appears to have been partially open at various times. Most recently it has been closed eliminating any tidal influence in the ditch.

The 1996 jurisdictional determination determined that the bank on the southeast side of the ditch was steep and supported primarily upland rather than wetland plant community down to about 1 foot above the High Tide Line (HTL). The wetlands which were on the northwest side of the ditch expanded upon the ditch habitat, to the property line which was approximately 5 feet from the edge of the then current water levels in the ditch. Normal water depth in the ditch appeared to be about 1.5 feet. The area below ordinary high water (OHW) was approximately 9 feet wide, with wetland expanding upon the ditch habitat, primarily on the northwestern bank. Both banks contained secondary terraces. The southeast bank was relatively barren whereas the northwest bank was densely vegetated.

Found growing within isolated pockets along the southeast side of the ditch was a plant mix composed of:

> Below HTL, patches of *Salicornia virginica* (pickleweed) OBL growing within a largely barren area.

In the +/- 1 foot zone above HTL; *Parapholis incurva* (sicklegrass) OBL: *Lolium sp.*: *Frankenia salina* (alkali heath) FACW: *Grindelia sp.*: along with *Salicornia virginica*

Above the + 1 foot HTL slopes convert to predominately upland community consisting of *Hordeum marinum ssp. Gussoneanum* (Mediterranean barley) FAC: *Stipa pulchra* (purple needle grass): *Sonchus asper* (spiny sow thistle) FAC, and: *Cirsium sp.* Similar vegetation grows up the entire levee slope to the road.

The northwest bank, to the approximate property line, was vegetated with a plant community consisting of

Salicornia virginica
Frankenia salina

Since 1996, the adjacent project, Pacific Shores Center, has been constructed, and the parking areas immediately adjacent to the proposed marina project site have been landscaped (Photo A). As a part of their development activities, Pacific Shores Center installed two culverts, with tide gates and concrete aprons, into the northwestern bank of the ditch. The ditch banks immediately opposite of each of these culverts were also armored with concrete rubble (Photo B).

The manmade drainage ditch, is now mostly devoid of the wetland plant material noted in 1996 due to the adjacent construction, the elimination of tidal influence and clearing and cleaning maintenance activities conducted during the intervening years (Photo C). The clearing lowered OHW in the ditch to only several inches across the entire ditch bottom, also leaving the banks on the side of the subject project near vertical. Except for one area of approximately 270 linear feet of the ditch, the clearing did not increase the area of Clean Water Act jurisdiction, as widths of the jurisdictional areas of the ditch were not changed. In the 270-foot section, the jurisdictional area increased by approximately 1,350 square feet.

2. Functions and Values: As described in the previous discussion, the jurisdictional areas on the project site which will be impacted, occur within the manmade drainage ditch. These areas have been adversely impacted by ditch cleaning and clearing activities, the elimination of tidal influence and by construction of the adjacent Pacific Shores Center. As such, the remaining wetland vegetation is sparse and of limited value (Photo D). These remaining wetlands provide only minimal filtration functions for runoff. It is unlikely the existing wetlands in the ditch contribute any value toward available habitat opportunities.

II. GOALS OF MITIGATION

The primary goal is to create wetlands on the project site that have equal or greater acreage and habitat values as the affected wetlands, so that no net loss of wetlands and values occur. To ensure that these areas continue to provide equal or greater functions

PHOTO A - Ditch & Adjacent Parking Lot

PHOTO B - Pacific Shores Drainage Outlet & Rubble

PHOTO C - Southeast Bank & Ditch Bottom

PHOTO D - Existing Ditch Vegetation

and values as the affected wetlands, this plan provides for in-kind and on-site replacement of the habitat types that characterize those wetlands.

A. Types of Habitat to be Created

The mitigation project proposes to provide compensation for the loss of approximately 0.27 acres of minimal value ephemeral wetlands by creating at least a 1:1 ratio of new and/or enhanced on-site wetlands of higher value and function than the affected wetlands. The mitigation project will enhance and enlarge the wetlands in the ditch on at least a 1:1 ration.

The type of habitat that will be created in the mitigation wetland will be biologically similar to the affected site. To achieve this the mitigation site will include gentler topographic and hydrologic gradients to provide wider and healthier wetland habitats.

B. Functions and Values

The best way to improve the status of wetlands is to restore wetland areas to as natural a state as possible. The wetland areas on the project site that will be impacted have already been degraded by previous activities and have minimal value. The mitigation wetland area will be characterized by similar wetland functions but will be established and maintained to achieve higher values than the affected wetlands.

A band of wetlands will form along the drainage ditch and the lower part of the re-contoured southwest bank. The lower slopes will support native higher marsh plants such as *Salicornia virginica* (picklewwed), *Frankenia salina* (alkali heath), *Distichlis spicata* (salt grass), and *Grindelia stricta* (marsh tarweed). There is no doubt that some less desirable species currently in the site will re-sprout in the transitional wetlands as well as the native upland species, but the higher marsh natives will add diversity to the habitat, improving the overall function and value to the wetland habitats in the immediate vicinity. Habitat created at the site will provide a moderate level of wildlife habitat functions and values. Development of the mitigation area will also enhance the existing ephemeral wetlands at the mitigation site, which have been substantially altered and degraded.

The principal habitat function provided by the mitigation wetlands will be the cover and forage opportunities for upland and wetland wildlife species. This function will be enhanced or created by providing a greater duration of inundation and/or soil saturation that in turn will facilitate the growth and development of wetland plant species.

C. Time Lapse

Following completion of the mitigation plan, the site will be monitored for five years. It is expected that by the end of the five year monitoring period, the vegetation for the site will be mature, and plant communities fully developed as to their habitat functions and values.

III. FINAL SUCCESS CRITERIA

A. Target Functions and Values

A monitoring program will be implemented to determine if the wetland mitigation site is functioning as expected. In general, the focus of the monitoring program will be to determine the extent of vegetation at the mitigation site as well as the quality of the vegetation. The success of creating a wetland mitigation site would be evaluated by monitoring the mitigation site and comparing the final year monitoring data with the target values. The monitoring program will be the responsibility of the project proponent and his consultants. An annual report will be submitted to the Army Corps of Engineers in San Francisco and the CA Regional Water Quality Control Board (RWQCB) by January 31st of each year. The report will provide the results of the monitoring activities outlined below, which will assess the plant, wildlife and hydrologic characteristics of the mitigation site. This monitoring will be continued over a 5-year period.

The wetland mitigation project is designed to create wetlands of similar or better value and function as the affected wetlands. Therefore target functions and values meet or exceed those of the affected wetlands. These targets are:

- Attainment of at least 0.27 acres of area dominated (more than 75% relative cover) by wetland vegetation.

B. Target Hydrological Regime

The hydrology for the proposed mitigation site wetlands consists of providing a controlled and continuous supply of tidal and fresh water to the mitigation site.

C. Target Jurisdictional Acreage to be Created

It is expected that the proposed mitigation project will contain a total of 0.27 acres of high value wetlands by year 5. Mitigation of wetland impacts will not be complete until the success criteria are met or exceeded. Delineation of the site will be conducted at the end of the monitoring period to assess whether the target wetland acreage has been created to mitigate the impacts of the project.

IV. PROPOSED MITIGATION SITE

A. Location and Size of the Mitigation Site

The mitigation site is located along the southeast bank of the drainage ditch that exists on the northwestern edge of the project site (Figure 3). The mitigation project will occur in a 1,000 linear foot reach of the ditch extending from the outlet to Westpoint Slough upstream to the primary access crossing to the marina project. The total mitigation site is approximately 0.57 acres in size. The portion of the mitigation site on which new or enhanced wetlands will be created is approximately 0.30 acres in size.

B. Ownership Status

The mitigation site is privately owned by the project applicant; Mark Sanders.

C. Existing Conditions, Functions and Values of the Mitigation Site

As described in the previous sections, the functions and values of the mitigation site have been adversely impacted by ditch cleaning and clearing activities, the elimination of tidal influence and by construction of the adjacent Pacific Shores Center. As such, the wetland vegetation remaining is sparse and of limited value. These remaining wetlands provide only minimal filtration functions for runoff. It is unlikely the existing wetlands in the ditch contribute any value toward available habitat opportunities.

D. Present and Proposed Uses of Mitigation Area

The mitigation site is presently a manmade drainage ditch that conducts local drainage into Westpoint Slough. The use of the area will not change with the establishment of the mitigation project.

E. Jurisdictional Delineation

The most recent review of the jurisdictional delineation concluded that while the extent of the jurisdictional area had not changed the extent and value of the wetland vegetation had been degraded by recent activities.

F. Present and Proposed Uses of All Adjacent Areas

The area immediately northwest of the mitigation area has been developed as parking for the Pacific Shores Center office buildings. The area southeast of the mitigation site is currently a dry basin that will ultimately be developed as the Westpoint Marina Project.

G. Zoning

The mitigation site is included in the Westpoint Marina project site and is zoned for a marina and the other planned uses.

V. IMPLEMENTATION PLAN

A. Rationale for Expecting Implementation Success

If the proposed mitigation plan is implemented, success is expected for the following reasons:

- Vegetation at the site presently includes some facultative and obligate wetland species, which have been disturbed through adjacent construction, elimination of tidal influence and cleaning/clearing of the drainage ditch. Exclusion of these activities alone will greatly enhance the development of wetland plant species.

- The upper portion of the southwest bank of the ditch within the mitigation site will be flattened to a 3:1 slope through re-contouring to encourage a larger saturated area and the growth of additional wetland vegetation.

- Flap gates on the new culverts beneath the primary access ditch crossing and a controlled hydrological connection to the new marina basin will allow the introduction of limited tidal influence in the ditch during dry months and added flow control during the rainy season. This will increase the saturated area and encourage and enhance the growth of the new and existing wetland vegetation.

With appropriate minor modifications of the existing site, the conditions described above indicate that the proposed mitigation plan should succeed in meeting its objectives. Success is dependent on achieving a longer duration of soil saturation over a wider area than at present. This will be met by grading and allowing the site to retain water over a wider area, and create a wider soil saturation gradient between the upland and wetland portions of the site and the provision of consistent water availability in the ditch.

B. Site Preparation

Construction activities associated with the mitigation site would occur during the summer and early fall when the existing vegetation is dormant or in seed. The intent would be to avoid any adverse impacts to the limited functions of the existing wetlands that would be inactive during this period.

Grading to create a wider soil saturation gradient in the mitigation site would modify the upper portion (above MHW) of the southwest bank of the existing ditch. The upper bank will be graded back to a slope of approximately 3:1. The existing saturated soil and wetland vegetation on the lower ditch bank and in the ditch bottom would not be disturbed. Any hydric soil removed in the grading would be collected and stockpiled. Once the site re-contouring is completed, all stockpiled hydric soil (containing seeds and plants) would be redistributed over the areas where surface soils had been removed.

Flap gates will be placed on the downstream end each of the two 24-inch culverts placed beneath the primary access ditch crossing. A hydrologic connection in the form of a 10-inch PVC pipe with a control valve will connect the marina basin with the ditch just downstream of the primary access crossing. This pipe will be placed at approximately 1-foot below MHW. This will allow controlled tidal water to enter the ditch below the primary access road gated culverts and flow out through the lower ditch and into Westpoint Slough through the outlet gate. Management of the valved connection will allow tidal water to be introduced into the ditch during the dry season. The controlled tidal influence will extend the duration and area of soil saturation and/or inundation within the mitigation wetland. This, along with the grading of the southwest bank would provide suitable hydrologic gradients to support the enlarged and enhanced wetland species within the mitigation site.

A 10-foot setback from the outlet structure at Westpoint Slough will be reserved to allow periodic maintenance to be conducted, and would not be considered part of the mitigation site. Maintenance access would only be from the adjacent banks and top of the structure. The outlet structure is adjustable to allow the height or extent of inundation and saturation to be varied if necessary.

C. Planting Plan

No planting is initially proposed at the mitigation site. The mitigation hydrologic modifications consist of the re-contouring of the southeast bank of the ditch and the introduction of limited tidal action in the lower 1,000 feet of the ditch during dry conditions. These improvements will enlarge and stabilize the saturated area within the ditch and it is anticipated that the area will naturally re-vegetate from existing and volunteer wetland vegetation in the ditch.

D. Schedule

Construction of the project is expected to begin in the spring of 2004. To the extent that it is determined to be feasible, grading for the mitigation site will occur during the late summer when the existing vegetation is least sensitive to disturbance. Intensive pre- and post construction controls of the invasive East Coast cordgrass, (*spartina alterniflora*) will be conducted to protect the wetland areas from being overrun with this invasive plant during the plant establishment period.

E. Irrigation Plan

The proposed mitigation plan involves a revised and improved water circulation regime for the mitigation site. The placement of flap gates on the new culverts beneath the primary access crossing will prevent any tidal influence in the drainage ditch above that point. The valved connection to the marina basin will allow the controlled introduction of tidal water into the ditch just below the access crossing. This tidal influence introduced into the ditch will provide a consistent source of water and an increased saturated zone in the ditch. The introduced tidal water will flow back into Westpoint Slough via the ditch outlet culvert and flap gate. The tidal flow will be limited during the rainy season

allowing the ditch to continue to provide its normal function of channeling storm water flow into Westpoint Slough.

F. As-Built Conditions

A report will be submitted to the Corps within two months of completion of the mitigation site construction activities. This report will describe the "as-built" status of the mitigation project. This final set of plans will indicate any physical changes to the final design.

VI. MAINTENANCE DURING MONITORING PERIOD

A. Maintenance Activities

Maintenance will involve an annual review of the status of re-vegetation of the mitigation site. Maintenance activities will also focus on control of any invasive cordgrass found to be developing in the mitigation area or around the marina project. It should be noted that a 10-foot setback from the drainage outlet structure has been provided to allow the outlet to be cleared or adjusted. This setback is not a part of the mitigation area. Maintenance requirements will be assessed each time the site is monitored. An annual report will discuss the maintenance activities and any other remedial actions needed to meet the criteria for success outlined in Section VII. Any replacement of vegetation should occur at the beginning of the rainy season.

B. Schedule

Replacement or introduction of plants will occur if needed, at the beginning of the rainy season (November-early December). The annual monitoring report will identify whether any plants require special attention or replacement. Routine maintenance to the outlet structure will be scheduled only during the late summer when the wetland site is inactive.

During Year 1, maintenance activities will correspond to the monthly hydrology monitoring (see Section VII. , Monitoring Plan). This schedule will allow for adjustments, if necessary, for future years, adding or deleting the number of annual maintenance events dependent on the success of the mitigation.

VII. MONITORING PLAN

A. Performance Criteria

Performance criteria were established to reflect achievable targets under normal conditions (e.g. normal winter precipitation, summer temperatures, and the anticipated area of saturation/inundation). The results of the annual site monitoring will be summarized and evaluated in each annual report submitted to the Corps. The results of

these general surveys will be used as the basis for a best professional judgement of success of the overall mitigation. This best professional judgement of success may override specific quantitative criteria for success that are identified in this mitigation plan. Hydrology of the wetlands is the most important element of this plan.

Year 1

Annual success will be met if it is found that wetland vegetation is providing at least a minimum 25% coverage of the lower portion of the southeast bank of the mitigation site. Existing plants and volunteers are to be alive and showing signs of new growth. Good health and vigor as well as diversity in the plant community must be evident. There should be no cordgrass or other weedy invasive plants present within the wetland to meet annual success.

It will be important to monitor hydrology during and immediately following construction, to establish that it has been developed according to plan. Hydrologic monitoring will continue, at least monthly, through the first year following construction to document the adequacy of the hydrology within the mitigation wetland.

Year 2

Annual success will be met if it is found that wetland vegetation is providing at least a minimum 35% coverage of the lower portion of the southeast bank of the mitigation site. Existing plants and volunteers are to be alive and showing signs of new growth. Good health and vigor as well as diversity in the plant community must be evident. There should be no cordgrass or other weedy invasive plants present within the wetland to meet annual success.

If the first year of monitoring proves that the design and construction of the mitigation wetland has created appropriate hydrology (data to be included in Year 1 annual report), then hydrological monitoring will be reduced to four times a year for the remainder of the mandatory monitoring period. Once during the rainy season, January-February, once in the spring (April-May), once in the summer during the month of July, and once in the fall during the month of October.

Year 3

Annual success will be met if it is found that wetland vegetation is providing at least a minimum 50% coverage of the lower portion of the southeast bank of the mitigation site. Existing plants and volunteers are to be alive and showing signs of new growth. Good health and vigor as well as diversity in the plant community must be evident. There should be no cordgrass or other weedy invasive plants present within the wetland to meet annual success.

Quarterly hydrologic monitoring as described in year two will be conducted.

Year 4

Annual success will be met if it is found that wetland vegetation is providing at least a minimum 60% coverage of the lower portion of the southeast bank of the mitigation site. Existing plants and volunteers are to be alive and showing signs of new growth. Good health and vigor as well as diversity in the plant community must be evident. There should be no cordgrass or other weedy invasive plants present within the wetland to meet annual success.

Quarterly hydrologic monitoring as described in year two will be conducted.

Year 5

Annual success will be met if it is found that wetland vegetation is providing at least a minimum 75% coverage of the lower portion of the southeast bank of the mitigation site. Existing plants and volunteers are to be alive and showing signs of new growth. Good health and vigor as well as diversity in the plant community must be evident. There should be no cordgrass or other weedy invasive plants present within the wetland to meet annual success.

Quarterly hydrologic monitoring as described in year two will be conducted.

B. Monitoring Methods

Monitoring for measuring success of wetland vegetation growth will occur at the end of the growing season of each calendar year. This would normally occur in late May to late June, however the actual date could be adjusted for seasonal variations in precipitation and temperature. The mitigation site will be monitored at 200 foot intervals along the hydrologic gradient of the southeast bank starting at the outlet and extending upstream to the primary access crossing culverts. The line of monitoring will be approximately one foot below MHW along the southeast bank of the drainage ditch. The line and sampling points will be established and marked during year one of monitoring. The numbers and types of plants growing at each point will be recorded, the percent areal cover will be calculated, the health and vigor of the plants will be noted and any invasion by cordgrass will be identified. Photographs will be taken of the vegetation sampling sites each time they are sampled and included in the annual reports.

Hydrologic criteria will be evaluated at a series of at least three transect points distributed evenly along the same hydrologic gradient line. Observations will be taken at the low (2 ft below MHW), middle (1 ft below MHW) and high (MHW) ends of each transect. These observations, at each of the three points along the line will be used to assess saturation and/or inundation of the soil and the minimum duration of that saturation. As described earlier, sampling for hydrology will be conducted monthly for the first year and then quarterly for the remaining four years of the mitigation monitoring program. At each of the points the depth to soil saturation will be measured. If the soil is covered by standing water, the depth of the water will be measured instead.

C. Annual Reports

The monitoring results will be contained in the annual report submitted to the Army Corps and the RWQCB each year. An assessment of the data in relationship to the yearly target criteria, and the progress towards the final success criteria will be included in the results.

D. Schedule

The annual monitoring report for a particular year will be submitted to the Corps and the RWQCB by January 31 of the following year.

VIII. COMPLETION OF MITIGATION

A. Notification of Completion

Following the fifth year of monitoring, a summary will be provided that will discuss how the final success criteria have been met. A current jurisdictional delineation of the created wetland area would be submitted with this summary report.

B. Corps Confirmation

Following receipt of the final mitigation report, the Corps and/or RWQCB may require a site visit to confirm the completion of the mitigation effort and any jurisdictional delineation.

IX. CONTINGENCY MEASURES

A. Initiating Procedures

If the annual monitoring reports indicate that target objectives are not being met a contingency plan would be implemented. Contingency measures could include remedial actions to accomplish the objectives or in the unlikely instance that remedial actions were not successful, consideration of a new mitigation plan.

The most likely situation would be the failure of the existing and/or volunteer vegetation to expand and provide the target coverage with acceptable vegetation. The first response to this situation would be to review the hydrologic regime and adjust it to provide more or less water to the site.

A second response would be to implement a plan for planting and seeding the mitigation site with the desired wetland vegetation. Planting would only occur just prior to or during the rainy season to ensure proper conditions for establishment.

Under the contingency planting plan the lower portion of the mitigation area, including the bottom and lower slopes to 5-feet (+/-) would be planted with *Salicornia Virginica* (pickleweed), OBL, using plugs and/or cuttings, set at 12-inch (+/-) centers, and seeds, hand sown in between the plugs.

Further up the slopes, from 5-feet (+/-), more transitional wetland plants would be planted, including *Distichlis spicata* (salt grass), FACW; *Frankenia salina* (alkali heath), FACW, *Limonium californicum* (sea lavender), OBL; and *Grindelia stricta* (marsh tarweed), FACW. Except for the tarweeds, that are larger shrubs, plants will be planted on12 inch (+/-) centers using plugs and/or cuttings (salt grass), and seeds. Tarweeds will be randomly planted in randomly placed clumps across this zone with internal spacing within the clumps of about 1 foot centers. Seeds of these plants would be sown to accelerate plant establishment.

Other potential problems like vandalism or disease would be subject to other forms of contingency response.

B. Alternate Locations for Contingency Mitigation

The proposed site represents the best prospect for a mitigation site that is at or adjacent to the project. An alternate site would be considered only if it was clearly shown that the proposed plan and/or contingency measures could not be successful. In such an event, an effort would be made to identify other potential sites in the immediate vicinity, however no practical sites are known to exist at this time.

C. Funding Mechanism/Responsible Parties

The site owner, project proponent and permit applicant, Mr. Mark Sanders is responsible for providing adequate funds to achieve a successful implementation of this Mitigation and Monitoring Plan and any contingency program if that should become necessary.

X. REFERENCES

Reynolds, Vicki. "Site Investigation Report and Preliminary Jurisdictional Determination Pond 10 - Westpoint Project, Redwood City, CA." September, 1996.

Reynolds, Vicki, "Westpoint Marina and Boatyard At Pond 10, Redwood City, California Update of Jurisdictional Determination" Corps File No. 22454S, March 25, 2002.

U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, letter approving Jurisdictional Determination of Westpoint Project, File No. 224542, November 7, 1996